

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH BREELAND,)
)
 Plaintiff,) Case No. 1:10-cv-70-SJM-SPB
)
)
 v.)
)
)
MARK BAKER,)
)
)
 Defendant.)

MEMORANDUM ORDER

Plaintiff's complaint in this civil rights action was received by the Clerk of Court on March 25, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on January 31, 2012 [71], recommends that the Defendant's uncontested motion to dismiss [68] be granted. Plaintiff was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Plaintiff at SCI Smithfield, where he was incarcerated.

On February 6, 2012, the Clerk of Court docketed a notice of change of address, indicating that Plaintiff had been transferred to SCI Camphill. In light of this change, the Magistrate Judge mailed a second copy of her January 31, 2012 Report and Recommendation to Plaintiff at SCI Camphill, where he remains incarcerated. No objections to the Report and Recommendation have been filed to date. After *de novo* review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 3rd Day of May, 2012;

IT IS ORDERED that the Defendant's motion to dismiss the amended complaint [68] shall be, and hereby is, GRANTED and the case shall be marked "Closed."

The Report and Recommendation of Magistrate Judge Baxter, filed on January 31, 2012 [71], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter